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12 Attorneys for Defendant  
13 ICC/Marie Callender's Gourmet Products Division

14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 EDWARD MUSGRAVE, individually, )  
and on behalf of all others similarly )  
18 situated, )  
19 Plaintiff, )  
20 vs. )  
21 ICC/MARIE CALLENDER'S )  
GOURMET PRODUCTS DIVISION, )  
22 )  
Defendant. )  
23

**Case No. 3:14-CV-02006-HSG**

**CLASS ACTION**

**STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE MOTION FOR CLASS  
CERTIFICATION BRIEFING DEADLINES**

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Pursuant to Civil Local Rules 6-2 and 7-12, Representative Plaintiff Edward Musgrave (“Plaintiff”), individually, and on behalf of all others similarly situated, and Defendant ICC/Marie Callender’s Gourmet Products Division (“Defendant”), by and through their respective counsel of record, hereby agree and stipulate as follows:

**WHEREAS** Plaintiff’s Motion for Class Certification is currently due to be filed on November 3, 2015 pursuant to Judge Gilliam’s June 16, 2015 Order (Dkt. No. 66) and Defendant’s Opposition to Plaintiff’s Motion for Class Certification is currently due to be filed on November 17, 2015;

**WHEREAS**, to avoid wasting the Parties’ and this Court’s time and resources, the Parties had agreed to informally stay this litigation over the last five months in order to explore settlement and global resolution of this case;

**WHEREAS**, after exchanging multiple sets of mediation-privileged documents and data points, involving outside accounting experts and scheduling a second mediation to take place on October 22, 2015, the Parties now agree that further settlement discussions would not be productive;

**WHEREAS** the Parties have restarted litigation efforts and are diligently working to obtain the discovery needed to file their respective class certification briefs, including expert discovery, but need additional time to do so;

**WHEREAS** the class certification briefing schedule has been modified once before (Dkt. No. 43);

**NOW, IT IS THEREFORE STIPULATED AND AGREED**, by and between the Parties through their respective attorneys of record and subject to the approval of the Court as follows: Plaintiff shall file his Motion for Class Certification by January 5, 2016; Defendant shall file its Opposition by February 5, 2016; and Plaintiff shall file his Reply by February 26, 2016.

The Parties stipulate and request that the hearing on this matter be continued to March 16, 2016 or to another date in accordance with the Court’s convenience.

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1 Dated: October 9, 2015

SCOTT COLE & ASSOCIATES, APC

2  
3 By: /s/Molly A. DeSairo  
4 Molly A. DeSario, Esq.  
5 Attorneys for the Representative Plaintiff  
and the Plaintiff Classes

6 Dated: October 9, 2015

GRAY DUFFY LLP

7  
8 By: /s/Richard M. Williams  
9 Richard M. Williams  
10 Nathan B. Lee  
11 Attorneys for Defendant  
ICC/Marie Callender's Gourmet Products Division

12 **ATTESTATION**

13 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of the  
14 document has been obtained from each of the other Signatories, which shall serve in lieu of their  
15 signatures on the document.

16  
17 Dated: October 9, 2015

SCOTT COLE & ASSOCIATES, APC

18  
19 By: /s/Molly A. DeSario  
20 Molly A. DeSario, Esq.  
21 Attorneys for the Representative Plaintiff  
and the Plaintiff Classes

22  
23 ~~PROPOSED~~ ORDER

24  
25 PURSUANT TO STIPULATION, IT IS SO ORDERED

26  
27 Dated: \_\_\_\_\_

28 Hon. Haywood S. Gilliam  
United States District Court Judge

